

How the US and EU Can Make the Kremlin Rethink Its Options in Ukraine's Donbas

PONARS Eurasia Policy Memo No. 521
April 2018

Olexiy Haran¹
University of Kyiv-Mohyla Academy

Petro Burkovsky²
National Institute for Strategic Studies

Before Donald Trump's ascension to power, Washington, Berlin, and Paris were essentially on the same policy page toward pacifying the conflict in Donbas. The broad aim was to contain the violence and facilitate direct talks between Moscow and Kyiv. The Trump administration's track toward Russia and Donbas has been disjointed, but lately it appears to involve more sanctions as well as arming Ukraine. Top advisors and members of the new U.S. administration, such as Henry Kissinger and Kurt Volker, have advocated ideas from giving Russia leeway to being far more assertive. Key European leaders have mixed views about these tactics. What is clear is that the peace process to date has not been a success and the floated plan for allowing local elections in Donbas under UN peacekeepers does not look viable at the present time. As Washington continues to formulate its stratagems toward Russia and Ukraine, Western solidarity is the most potent feature that would make Moscow (re)consider its options in Donbas, and the wealth of knowledge that European negotiators have about the particulars of the Donbas situation should not be discounted.

Low-Cost Donbas Damage Fixing Has Not Worked

In 2014-2016, there was consensus among Euro-Atlantic partners about Ukraine's ability to survive its confrontation with Russia. The Obama Administration did not believe that supplying weapons to Ukraine was productive. German Chancellor Angela Merkel was also skeptical about it and French President Francois Hollande [stated](#) plainly that the only alternative to negotiations would be war with Russia. In short, the major efforts of

¹ [Olexiy Haran](#) is Professor at the National University of Kyiv-Mohyla Academy; Research Director, Democratic Initiatives Foundation.

² Petro Burkovsky is Deputy Head of Department at the National Institute for Strategic Studies (Kyiv).

the American-Franco-German diplomacy were applied to limiting the impact of Russian aggression. This required accepting Russian military predominance in Donbas while being diffident about Russian demands to place a special status on the territories controlled by its proxies. After the Minsk II agreements, two failed attempts at terminating the hostilities by making political compromises with Russia confirmed that aiming for solutions without proper leverage is ineffectual.

Initially, in 2015, a group of negotiators headed by former French Ambassador Pierre Morel developed a detailed plan of reintegrating the separatist-controlled territories into Ukraine. The “Morel plan” suggested holding immediate local elections in the occupied territories of Donbas under an OSCE monitoring mission. This plan failed after Russia’s representatives refused to compromise with the Ukrainian government on election process mechanisms and compatibility with the Ukrainian Constitution. A year later, in 2016, German mediators proposed the so-called “Steinmeier formula” that would grant special status to areas of Donbas if the OSCE monitoring mission concluded that local elections there can be consistent with European/OSCE standards. However, numerous cases of hostile actions by the separatists toward OSCE monitoring officers and the absence of a holding ceasefire proved that genuine election monitoring would be quite impossible without security measures.

The real problem behind these failed attempts was the Russian position. From the time of the Minsk I protocols, Russia made it very clear that Ukraine must recognize the separatists as a legitimate side in any peace talks and negotiate the implementation of agreement terms directly with them. The weak progress of the Minsk (and Normandy) formats proved that Russia saw no other guarantees to advance its agenda except for the use of force in the conflict zone. Keeping the status quo—permanent low intensity clashes in Donbas while maintaining the readiness to launch and support massive separatist offensives on short notice—gives Moscow confidence that it will remain in a strong(er) negotiation position for years to come. All of the concerted Western diplomatic actions have had little effect on the belligerents and on resolving the conflict. Because Ukraine has held its ground militarily and Russia has managed (more or less) to “absorb” Western sanctions, the conflict in Donbas is set to continue and there are still no safeguards against a full-scale war.

The “Art of Dealing” with Donbas after 2017

After Donald Trump’s election victory, members of his team sent confusing messages about Washington’s relations with Russia and about the conflict in Donbas. On the one hand, a lead advisor to the Trump campaign, former Secretary of State Henry Kissinger, [suggested](#) “to try to make Russia a partner in a solution.” On the other hand, Rex Tillerson, during his confirmation hearing for Secretary of State, [said](#) that the U.S. response to Russian aggression in Crimea and eastern Ukraine should have included the supply of U.S. weapons as well as offers of aerial surveillance. Beneath the varied

viewpoints there is a commonality: the United States wants to act according to its own, developing, vision of security in Europe within the framework of its national interests.

Although President Trump [underscored](#) the importance of NATO when he was in Europe, he had reason to be skeptical about its value for American interests since the Europeans, [according](#) to U.S. field commanders, are not prepared to handle a real military crisis. Unsurprisingly, some members of the Trump team openly viewed the Euro-Atlantic alliance as more of a burden than a strategic asset in U.S. relations with rival powers. Back in 2011, Kurt Volker, former U.S. ambassador to NATO and currently U.S. Special Representative for Ukraine, [expressed](#) his worries about caveats in NATO member-state actions, saying that after the Afghanistan and Libya operations, NATO “solidarity has gone out of the window.” Spectacularly, in March 2017, during a session of the NATO-Ukraine Commission, Secretary of State Rex Tillerson [stressed](#) that “clear demonstration of NATO’s political support for Ukraine” would be tangible only if it was alongside “maintaining solidarity on sanctions.”

U.S. officials appeared to be somewhat right in their doubts about Western unity when some high-ranking elements in the EU fiercely reacted to the 2017 U.S. Congressional bill that imposed new sanctions on Russia. The concern was that some of the sanctions would impact joint projects by European and Russian companies in the energy sector, including those in the large Nord Stream II initiative. Washington agreed to consult with Brussels before adding new sanctions. The situation was a reminder of the [debacle](#) involving German manufacturing giant Siemens when it failed to adhere to sanctions on Russia regarding high-tech exports to Crimea even though it had [pledged](#) to cooperate. If some key European actors question and undermine Western solidarity by seeking separate economic or security benefits with external powers, then it is reasonable for the United States to outpace them by proposing other deals.

When it comes to grand deals, Kissinger diplomatically [advocated](#) in 2016 for Russia to be included in “a world order which leaves scope for cooperation.” He felt that progress could be achieved in Donbas if Russia drops its aspiration to make Ukraine a satellite state while at the same time Ukraine decides to become a neutral state, like Austria or Finland, which would then remove it from the NATO accession path. Excluding Ukraine from the European economic and security structures was also considered a desirable outcome at the time by the core EU states and mainstay NATO contributors (Germany, France, Italy, and Netherlands). This approach was openly reflected upon in the European Council [conclusions](#) of December 2016 (in an annex about the conditions of implementing the Ukraine Association Agreement). EU representatives also refused to include the words “European aspirations” in their joint statement after the EU-Ukraine summit in the summer of 2017.

From one perspective, keeping Ukraine in limbo between a weakened EU and a resurgent Russia may serve U.S. long-term interests of having a decisive voice in Eastern

European affairs. One of the first steps in this direction was determined by Trump's [support](#) in July 2017 for the fairly new Three Seas Initiative that is aimed at energy supplies to Europe and modernizing the armed forces of Central European countries (with technical assistance from U.S. firms). These foreign policy points were also part of direct talks between the presidents of Ukraine and the United States. However, that initiative, and even more so any possible deal on Donbas, is challenged by the Moscow-Washington relationship. They do not trust each other, support competing power centers inside Ukraine, and have no common approach toward developing actual details of a sustainable Donbas peace plan.

The Trump administration [slowed down](#) the implementation of Congressional sanctions and [indicated](#) that rejecting or obstructing certain deals on Ukraine would lead Russia into complete isolation. Still, in the wake of meeting with Putin's advisor Vladislav Surkov, who was a key communicator between Russia and the Obama administration, Volker [insisted](#), in August 2017, that the armed conflict in Donbas was the result of Russian interference and imminent military presence. He argued that delivering more advanced weapons to Ukraine would change Russia's calculations about the costs of continuing its hostilities. Volker's statements came ahead of one of the joint communiqués made by German and French leaders that called for both Russia and Ukraine to support a ceasefire and provide OSCE observers with safe access to areas within the battle zones. These various approaches added to the sense of non-alignment between the sponsors of the Minsk peace process.

However, when the U.S. Defense and State departments confirmed that Trump was going to authorize the transfer of lethal defensive weapons to Ukraine (as a way to give Kyiv more power in negotiations), the Russian leadership suddenly changed its mind about blocking the Donbas peacekeeping mission and presented its own UN Security Council draft resolution on the issue. This revealed that Russia, the aggressor in the conflict, could deescalate the situation under certain conditions, in this case when a key sponsor of the peace process (the United States) overtly resorted to unilateral threats of arming Ukrainian troops.

German Chancellor Angela Merkel [appeared](#) to be favorable to the Russian initiative of deploying U.N. peacekeepers, even if at the expense of U.S. conceptions. Germany and France may have felt that if the United States became more involved in the conflict, it would be difficult for them to keep their standing at the negotiation table and prevent possible increased global confrontations that would hurt Europe's economy and security. If Trump manages to find a solution for the crisis and normalize relations with Russia separately from Europe, he would position the United States as aloof to Europe's concerns, which would be consequential for a number of more important and long-term Euro-Atlantic issues.

In December 2017, the U.S. State Department [confirmed](#) the decision to supply new weapons to Ukraine. In late January 2018, Volker, in an exclusive [interview](#) to Ukraine's Radio Freedom station, before his meeting with Surkov in Dubai, admitted that U.S. Javelin weapons would not be allowed for use at the frontline but would serve as deterrents against escalation. At the same time, Volker was [confident](#) that "the Minsk agreements contain all the elements necessary for this to be resolved."

It appears that the Trump administration may be trying to accomplish either of two things, or maybe even both at once. First, to use weapon deliveries to Ukraine as a lever to persuade the Ukrainian government to back a potential peace deal with Russia, which would entail Ukraine making painful political concessions about the special status of Donbas. Second, to advance a more assertive position about defending Ukraine's sovereignty along with the [threat](#) of increasing sanctions on Russia as a way to get the message across to the Kremlin that, at a minimum, its prolonged military intervention in Donbas cannot expand into more Ukrainian territory.

Conclusion

After three years of faltering peace processes, conflict resolution in Donbas remains in jeopardy. Sending UN peacekeepers to Donbas (right up to the Russian-Ukrainian border) and supplying U.S. lethal defensive weapons to Ukraine could create conditions that would prompt Russian forces to back down and Donbas to begin to be stabilized. A major consideration, however, is that Russia is known to strongly oppose granting any entity access to the border areas. And, in a twist, the scope of the required UN forces directly contradicts the Trump administration's plans to cut funds for UN peacekeeping.

The French and German leaders spent years of mostly fruitless shuttle diplomacy between Kyiv and Moscow developing and redrafting numerous failed incremental action plans and road maps for de-escalation. But they gained invaluable information and they comprehend the interests, weaknesses, and favorite instruments of both the Russians and Ukrainians. This value should not be overlooked. The Europeans, with their negative experiences in the Minsk (and Normandy) discussions, are able to explain to their American partners certain risks and stumbling blocks. One significant risk is that the idea of granting a special status to Donbas and holding local elections under international monitoring can still be used by Russia to heighten and legitimize the power of its proxies. One significant stumbling block is that Ukrainian society [does not](#) appear to favor a special status for Donbas. In a recent move that may or may not be helpful, the Ukrainian government enacted a [law on reintegration](#) in February 2018 that, among other measures, declared that Russia was the "aggressor" and clearly defined the non-Kyiv-controlled territories as "occupied."

Thus, at the present time, pushing the political part of the Minsk agreements further would probably only result in waves of civil turmoil and Russian aggression. European

leaders may be wise to consider accepting the notion that perhaps only military assistance to Ukraine—and clear-cut Western solidarity on sanctions—would make the Kremlin rethink its options in Donbas.

PONARS ● NEW APPROACHES
● TO RESEARCH AND
E U R A S I A ● SECURITY IN EURASIA

**Elliott School of
International Affairs**

THE GEORGE WASHINGTON UNIVERSITY

© PONARS Eurasia 2018. The statements made and views expressed are solely the responsibility of the author. PONARS Eurasia is an international network of scholars advancing new approaches to research on security, politics, economics, and society in Russia and Eurasia. PONARS Eurasia is based at the [Institute for European, Russian and Eurasian Studies \(IERES\)](#) at the George Washington University's Elliott School of International Affairs. This publication was made possible in part by a grant from Carnegie Corporation of New York. www.ponarseurasia.org